

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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MARLENE JOHANSEN  
Plaintiff

v.

UNITED STATES OF AMERICA                      Civil Action No. 04-11789-RCL  
Defendant

v.

NATIONAL CITY MORTGAGE CO.,  
And TIMOTHY BURKE,  
Counterclaim Defendants

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PLAINTIFF'S OPPOSITION TO MOTION FOR STAY

Now Comes the Plaintiff, Marlene Johansen ("Ms. Johansen") and respectfully requests that this honorable Court deny Ralph Johansen's ("Mr. Johansen") request for a stay of the proceedings in this case pending his appeal of this Court's Order dated July 22, 2005 denying his Motion to Intervene.

The Motion for Stay Pending Appeal should be denied because Mr. Johansen does not demonstrate any interest relating to the property or transaction which is the subject of the action that is not already adequately represented by the existing parties. Thus, Mr. Johansen will not suffer irreparable harm absent a Stay. A Stay would only serve to injure the interested parties to the adjudication of the proceeding.

In further support of this Motion, Ms. Johansen relies on her Memorandum of Law in Support of her Opposition to Ralph Johansen's Motion for Stay Pending Appeal.

Marlene Johansen,  
By her attorney,

/s/ Timothy J. Burke  
Timothy J. Burke  
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Dated: August 19, 2005

**CERTIFICATE OF SERVICE**

I hereby certify that on August 19, 2005 I served a true copy of the above document upon each attorney of record via first class mail, postage prepaid to:

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